

UNITED STATES BANKRUPTCY COURT
EASTERN DIVISION, DISTRICT OF MASSACHUSETTS

In re:

Andre Bisasor

Debtor

Chapter 7

Case No. 15-13369-JNF

JOINT MOTION FOR APPROVAL OF SETTLEMENT

NOW COMES David G. Baker, an administrative creditor in the above captioned case, and the debtor, by his attorney, and respectfully move the court pursuant to FRBP 9019 for approval of a settlement of Baker's adversary proceeding seeking a finding of non-dischargeability as to his administrative claim, and in support of this motion state as follows:

1. The debtor filed a petition pro se under Chapter 13 of the Bankruptcy Code on August 27, 2015.
2. As the record of this case reveals, the debtor was involved in significant pre-petition litigation with his landlord, related to certain disputed claims and counterclaims between them, which carried over into the bankruptcy case¹.
3. The debtor then hired Baker to represent him in the Chapter 13 case.
4. Thereafter, due to a misunderstanding, the attorney/client relationship broke down, and Baker filed a fee application and withdrew representation of the debtor with leave of court. The debtor, acting pro se, then converted his case to chapter 7, and retained new counsel.
5. The fee application remains pending, as apparently does an objection to it by the chapter 7 trustee.
6. Baker initiated an Adversary Proceeding to determine dischargeability of his fee, see case number 16-01114.
7. After court authorized mediation with a mediator appointed by the court, the parties agreed to settle the matter. After extended negotiation as to the text of the Agreement, they have finally executed an Agreement, a copy of which is attached.
8. The settlement² provides that Baker will accept \$2,800 in full and final payment of his fee, with half to be paid by Bisasor and half to be paid by the trustee, subject to resolution of the trustee's objection and assets being available for that purpose.
9. This motion is being filed in the main case since the parties believe that the trustee should have notice of the settlement.
10. A copy of the Agreement is attached, which reflects certain non-monetary consideration for both parties that they believe is standard in similar circumstances.

¹ The debtor and his landlord soon thereafter reached an agreement to settle all disputes and matters between them.

² It also provides that the parties will stipulate that "the Parties, through discussion and mediation, have agreed that, there was a misunderstanding between them, and that there was no fraud or malicious injury."

11. The parties believe that this settlement is fair and reasonable in the circumstances and should be approved, see *Jeffrey v. Desmond*, 70 F.3d 183, 185 (1st Cir. 1995), as it was reached via arms-length negotiation and without the need for extended litigation, and the debtor was represented by new counsel of his own choosing.

12. Upon approval of the Agreement by the court, the Adversary Proceeding will be dismissed with prejudice upon the terms and conditions stated in the agreement.

WHEREFORE Baker and the debtor request that the settlement be approved.

November 3, 2018

Respectfully submitted,
Andre Bisasor, Defendant/Debtor,
By his Attorney,

David G. Baker, plaintiff

/s/ Dmitry Lev
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Certificate of Service

The undersigned hereby states upon information and belief that the within motion and exhibits were served on the parties named below by the court's CM/ECF system on the date set forth above.

/s/ David G. Baker
David G. Baker

- John Aquino - jjja@andersonaquino.com, jaquino@ecf.epiqsystems.com
- Donna Ashton on behalf of Creditor Greystar Management Services LP as agent for owner RAR2-Jefferson at Dedham Station MA Inc. - dma@ashton-law.com
- David G. Baker on behalf of Plaintiff David G. Baker - bkecf@bostonbankruptcy.org; ecf@bostonbankruptcy.org
- Donald F. Farrell, Jr. on behalf of Trustee John Aquino - dff@andersonaquino.com
- Michael B. Feinman on behalf of Mediator Michael B. Feinman - mbf@feinmanlaw.com, kmk@feinmanlaw.com
- John Fitzgerald - USTPRegion01.BO.ECF@USDOJ.GOV
- Dmitry Lev on behalf of Defendant Andre Bisasor - dlev@levlaw.net, ecf-notices@levlaw.net
- John C. Ottenberg on behalf of Creditor Foley Hoag LLP - ottenberg@odllp.com